

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal

Amendments to the City of Seattle Land Use Code, Title 23, related to land use and zoning, amending Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.030 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

Project Sponsor

City of Seattle Department of Planning and Development

Location of Proposal

The proposal is a non-project action, applicable in Industrial zones, including Industrial Commercial (IC) and Industrial Buffer (IB) zones, and also in Commercial 2 (C2) zones throughout the City.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable in all Industrial zones, including Industrial Commercial (IC) and Industrial Buffer (IB) zones, and also and Commercial 2 (C2) zones. The proposal would amend Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.030 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION

☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☒ DNS with conditions involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The proposed Code amendments will accomplish the following:

- Allow a utility use permitted as a conditional use in the zone in which it is located to take access across property located in any Industrial zone or in a Commercial 2 (C2) zone, regardless of whether the utility use is also permitted in the zone across which the access is taken, provided that the access is reviewed as part of the conditional use analysis for the utility.
- Allow a recycling use located on the same development site as a solid waste transfer station to be permitted as an administrative conditional use in a C2 zone, provided that it meets specific criteria added to the conditional use regulations in Section 23.47A.006.
- Require 60 percent of the portion of the development site in the C2 zone to be maintained as open space.
- Limit the size of trucks allowed to drop off recyclables.
- Allow parking and driveways in a C2 or IB zone to be permitted as an administrative conditional use if they are accessory to a solid waste transfer station located on the same development site.
- Allow conditional use approval of accessory office and crew space use in a structure containing a recycling use, but where the office and crew space use is accessory to a solid waste transfer station located on the same development site.
- Allow a solid waste transfer station as an administrative conditional use in an Industrial Buffer (IB) zone, provided that it meets specific and limiting standards added to Section 23.50.014.
- Provide criteria for analysis of a solid waste transfer station as a conditional use in an IB zone.
- Limit the total floor area of the solid waste transfer station principal structure allowed in an IB zone to 7,000 square feet.
- Rooftop features on both the solid waste transfer station and the recycling use principal structures will not be allowed to exceed the maximum height limit of the zone.
- Require a 65-foot setback between any façade of the solid waste transfer station or the recycling use principal structures and any lot line that abuts or is across a street from a residentially zoned lot.

- Require a 65-foot setback between any surface parking and a lot line that abuts or is across a street from a commercially zoned lot.
- Surface parking across a street from a residentially zoned lot would not be allowed.
- Require a landscaped area 20 feet deep between any parking or principal structure in an IB zone and the nearest street lot line.
- Allow accessory structures in the IB and C2 zones including scales, scale houses, entrance/exit kiosks, walls, screening, and other minor improvements. The total area of scale houses will be limited to no more than 1000 square feet.
- Outdoor storage and outdoor transfer, handling, and compacting of materials will not be allowed.
- The Director of DPD will have authority to determine maximum width of driveways and curbcuts providing access to a solid waste management use.
- Change the definition of “recycling” in Section 23.84A.040 to remove the final clause of the definition stating that the recycling use does not include collection of recyclable materials accessory to another use or any use defined as a solid waste management use.

The changes may facilitate the redevelopment of the North Recycling and Disposal Station (NRDS) located in the Fremont neighborhood in North Seattle.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated January 30, 2012. The information in the checklist, a copy of the proposed text changes, the Director’s Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to allow a recycling use accessory to another use in a Commercial 2 zone, to allow access to a solid waste management use through a Commercial 2 zone, and to allow limited uses associated with a solid waste management use to be located in the Industrial Buffer zone through administrative conditional use review. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. The proposed amendment is a non-project action that would amend Seattle Municipal Code sections 23.42.030, 23.47A.004, 23.47A.006, 23.50.012, 23.50.014, 23.54.030, and 23.84A.030 to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use through a Commercial 2 zone or Industrial Buffer zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review. Since the amendment would apply to a variety of zones and sites, it is possible that elements of the natural environment could be impacted on future sites, where development of solid waste management uses or recycling uses is allowed. Development of specific projects on individual sites is subject to the City's existing regulations, such as the Stormwater Code, the Grading Code, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The intent of the proposal is to allow a recycling use in a Commercial 2 zone to be located on the same development site as a solid waste management use through administrative conditional use review, to allow access to a solid waste management use in any Industrial zone through a Commercial 2 (C2) zone or Industrial Buffer (IB) zone, and to allow limited uses associated with a solid waste management use to be located in Commercial 2 zones and Industrial Buffer zones through administrative conditional use review. The proposed uses are compatible with the City's Comprehensive Plan designations for the affected zones. Specific standards are proposed to limit the solid waste management use in the IB and C2 zones through conditional use analysis. Future projects developed pursuant to the provisions of the proposal on individual sites will require permits, review and project approvals as provided for in the Seattle Municipal Code. Development of specific projects on individual sites is also subject to environmental review (if they meet or exceed thresholds for environmental review).

Transportation, Public Services and Utilities

The proposed amendment will not result in significant adverse impacts to traffic or parking or public services and utilities. The existing regulatory framework, i.e., the Land Use Code, The Shoreline Master Program, Environmentally Critical Areas Ordinance, and the City's SEPA ordinance will address impacts during review of development proposals on a project-specific basis.

Conclusion

The proposed code amendments are likely to affect only a small number of properties throughout the City of Seattle, given the limited scope of uses authorized and the requirement for conditional use review as well as environmental review for project that meet or exceed thresholds for environmental review. Thus, the proposed code amendments are expected to have minimal impacts on both the natural and the built environment.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS - SEPA

None.

Signature: (signature on file)
Lucas J. de Herrera, Senior Land Use Planner
Department of Planning and Development

Date: February 13, 2012